UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY **Caption in Compliance with D.N.J. LBR 9004-2(c)** **ROBERT BROTMAN, ESQ. 1139 East Jersey Street Elizabeth NJ 07201 ID#023398 (908) 353-4544 Attorney for Creditor: KARANJIT SINGH**	
In Re: **GURDIP SINGH**	**Case No.: 14-19878-CMG** **Adv. No.:** **Hearing Date:** **Judge: GRAVELLE** **Chapter 7**

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY **Caption in Compliance with D.N.J. LBR 9004-2(c)** **ROBERT BROTMAN, ESQ. 1139 East Jersey Street Elizabeth NJ 07201 ID#023398 (908) 353-4544 Attorney for Creditor: KARANJIT SINGH**	**ADVERSARY COMPLAINT**
KARANJIT SINGH **Plaintiff** **VS.** **GURDIP SINGH** **Defendant**	**Adv No:**

ADVERSARY COMPLAINT OBJECTING TO DISCHARGE OF THE DEBT AND JUDGMENT OF KARANJIT SINGH

KARANJIT SINGH files the following Adversary Complaint against the Debtor, Gurdip Singh:

PARTIES AND JURISDICTION

1) At the time of the incidents set forth in this Adversary Complaint, Plaintiff and Defendant were both residents of the State of New Jersey.

2) Defendant filed a Chapter 7 Bankruptcy petition on May 15, 2014.

3) Jurisdiction is vested in this proceeding pursuant to 28 USC section 157, 28 USC section 1334, and 11 USC 523. This proceeding is a core matter.

4) Plaintiff is a creditor in this bankruptcy proceeding and is the original party in interest.

CAUSE OF ACTION

1) On June 16, 2009 Plaintiff and Defendant were engaged in a soccer game at a local park in the Borough of Carteret, County of Middlesex, State of New Jersey.

2) During the course of said soccer game, Defendant willfully, maliciously and intentionally punched Plaintiff on numerous occasions in and around the head. As a result, appellant underwent medical procedures, was not able to eat normally or use his jaw, or his mouth. Plaintiff sustained numerous injuries, including a fractured jaw. His jaw had to be wired for seven weeks.

3) Defendant was indicted in the Superior Court of New Jersey, Criminal Division, Middlesex County under Indictment #09-08-01404-11. He was charged with aggravated assault and battery, a third degree charge, in a multiple count Indictment.

4) A Plea bargain was reached wherein Defendant pled guilty to Count I of the Indictment with a prosecutor's recommendation of probation with 180 days in the Middlesex County Adult Correctional Center, with restitution. All of the above facts were set forth in a transcript of the plea proceeding attached to this Adversary Complaint as an Exhibit.

5) Plaintff filed a civil suit against the Defendant in the Superior Court of New Jersey, Civil Division, Middlesex County, under Docket No: MID-L- 4104-11 seeking damages for his injuries. The case was arbitrated before Hon. Nicholas Stroumstos, Retired. An arbitration award was entered by Judge Stroumstos on August 16, 2013 in the sum of $239,851.00 upon Plaintiff's Complaint alleging a cause of action for intentional assault and battery. On November 8, 2013, the arbitration award was confirmed by Oder of Judge Joseph L. Rea, JSC, and judgment entered against Gurdip Singh, citing the intentional tort of assault and battery. (See attached Judgment) as follows:

a) $175,000 for pain and suffering

b) $14,851.00 for medical treatment

c) $50,000.00 for punitive damages.

6) Although Gurdip Singh filed a Chapter 7 Petition in Bankruptcy on May 15, 2014, listing Plaintiff as a Creditor and seeking a discharge of the above debt

and judgment, said debt is not dischargeable pursuant to Bankruptcy Code 523(a)(6) . Defendant cannot discharge a debt for monies owed or a judgment secured as a result of a willful and malicious and intentional tort— in this case the intentional tort of assault and battery.

RELIEF SOUGHT

WHEREFORE, Plaintiff demands that the debt and judgment listed by Defendant in his Chapter 7 Bankruptcy Petition be declared non-dischargeable pursuant to Bankruptcy Code 523(a) (6)

/s/ Robert Brotman

ROBERT BROTMAN, ESQ.
1139 East Jersey Street
Elizabeth NJ 07201
ID#023398
Tel: (908) 353-4544
Fax: (908) 353-4554
Email: rbrotmanesq@aol.com
Attorney for Creditor: KARANJIT SINGH

Dated: May 19, 2016

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In the matter of:

Debtor

Plaintiff(s)

v.

Case No. ____________________

Adversary No. ____________________

Defendant(s)

SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney

If you make a motion, your time to answer is governed by Fed.R.Bankr.P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address	Courtroom:
	Date and Time:

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

James J. Waldron, Clerk

Date: ______________________________

By: ______________________________
Deputy Clerk

MEDIATION OF ALL DISPUTES IS ENCOURAGED AND IS AVAILABLE PURSUANT TO D.N.J. LBR 9019-2. THE PRACTITIONER'S GUIDE TO THE MEDIATION PROCESS IS AVAILABLE IN THE BANKRUPTCY COURT CLERK'S OFFICE, IN EACH COURTROOM, AND ON THE COURT'S WEB SITE: www.njb.uscourts.gov. THE GUIDE CONTAINS AN OVERVIEW OF THE MEDIATION PROCESS, SAMPLE FORMS, THE REGISTER OF MEDIATORS AND APPLICABLE LOCAL RULES.

rev.12/1/09

ADVERSARY PROCEEDING COVER SHEET
(Instructions on Reverse)

ADVERSARY PROCEEDING NUMBER
(Court Use Only)

PLAINTIFFS	**DEFENDANTS**
ATTORNEYS (Firm Name, Address, and Telephone No.)	**ATTORNEYS** (If Known)
PARTY (Check One Box Only) ☐ Debtor ☐ U.S. Trustee/Bankruptcy Admin ☐ Creditor ☐ Other ☐ Trustee	**PARTY** (Check One Box Only) ☐ Debtor ☐ U.S. Trustee/Bankruptcy Admin ☐ Creditor ☐ Other ☐ Trustee

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

NATURE OF SUIT

(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(1) – Recovery of Money/Property
- ☐ 11 - Recovery of money/property - § 542 turnover of property
- ☐ 12 - Recovery of money/property - § 547 preference
- ☐ 13 - Recovery of money/property - § 548 fraudulent transfer
- ☐ 14 - Recovery of money/property - other

FRBP 7001(2) – Validity, Priority or Extent of Lien
- ☐ 21 - Validity, priority or extent of lien or other interest in property

FRBP 7001(3) – Approval of Sale of Property
- ☐ 31 - Approval of sale of property of estate and of co-owner - § 363(h)

FRBP 7001(4) – Objection/Revocation of Discharge
- ☐ 41 - Objection / revocation of discharge - § 727(c),(d),(e)

FRBP 7001(5) – Revocation of Confirmation
- ☐ 51 - Revocation of confirmation

FRBP 7001(6) – Dischargeability
- ☐ 66 - Dischargeability - § 523(a)(1),(14),(14A) priority tax claims
- ☐ 62 - Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud
- ☐ 67 - Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

FRBP 7001(6) – Dischargeability (continued)
- ☐ 61 - Dischargeability - § 523(a)(5), domestic support
- ☐ 68 - Dischargeability - § 523(a)(6), willful and malicious injury
- ☐ 63 - Dischargeability - § 523(a)(8), student loan
- ☐ 64 - Dischargeability - § 523(a)(15), divorce or separation obligation (other than domestic support)
- ☐ 65 - Dischargeability - other

FRBP 7001(7) – Injunctive Relief
- ☐ 71 - Injunctive relief - reinstatement of stay
- ☐ 72 - Injunctive relief - other

FRBP 7001(8) Subordination of Claim or Interest
- ☐ 81 - Subordination of claim or interest

FRBP 7001(9) Declaratory Judgment
- ☐ 91 - Declaratory judgment

FRBP 7001(10) Determination of Removed Action
- ☐ 01 - Determination of removed claim or cause

Other
- ☐ SS-SIPA Case – 15 U.S.C. §§ 78aaa *et.seq.*
- ☐ 02 - Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

☐ Check if this case involves a substantive issue of state law	☐ Check if this is asserted to be a class action under FRCP 23
☐ Check if a jury trial is demanded in complaint	Demand $

Other Relief Sought

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR		BANKRUPTCY CASE NO.
DISTRICT IN WHICH CASE IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE

RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	

INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and **Defendants.** Give the names of the plaintiffs and the defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and in the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.